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**From:** Lisa Contreras-Hendler <lcontreras-hendler@toeroek.com>  
**Sent:** Tuesday, December 17, 2019 9:03 AM  
**To:** Stanfield, Brooks  
**Subject:** RE: Kaiser - 104e mailing update

Brooks,

First, sorry for the lengthy emails. Ugh! This isn't one of them ☺.

We can prioritize the KAIC and Spokane Recycling summaries. The latter summary is done already and I need to QA it. We are working on the KAIC summary now, but just figuring out how to wrap our arms around the attachments. I will let you know when I post them, and try to do so before the end of the week.

As for a meeting, I don't currently see the need.

Lisa

Lisa Contreras-Hendler, Esq.  
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**From:** Stanfield, Brooks <Stanfield.Brooks@epa.gov>  
**Sent:** Tuesday, December 17, 2019 11:40 AM  
**To:** Lisa Contreras-Hendler <lcontreras-hendler@toeroek.com>  
**Cc:** Svetlana Furman <sfurman@toeroek.com>  
**Subject:** Re: Kaiser - 104e mailing update

Lisa-

Kris and met last week and confirmed the same three respondents that you had as needing follow up. We divided and conquered by splitting the list but I haven't gotten any responses back to report.

I will ask Kris what her opinion is on the KAIC/KACC response and get back to you. One thing we discussed yesterday was asking whether we could request that you complete the summaries on KAIC and Spokane Recycling first, given that these are the current property owners and would be a likely starting place for follow up demand letters. In other words, we see an advantage to initiating these conversations early.

The long list of reports do have the file extensions you listed, so I think we're good there.

Finally, I have to burn a bunch of leave and will be away from Dec 23 to Jan 1. Back in the office on the 2nd. if you think it would be helpful, we could touch base this week.

Brooks

Sent from my iPhone

On Dec 17, 2019, at 7:05 AM, Lisa Contreras-Hendler <[lcontreras-hendler@toeroek.com](mailto:lcontreras-hendler@toeroek.com)> wrote:

Hi Brooks,

The following is an update on the status of the 104e mailing event and related topics:

1) Outstanding 104e responses:

Information in the following table was based on data found in EPA's tracking table as of 12/17/2019.

Party	Response Due Date	Notes:
IRS Environmental of Washington, Inc.	12/2/2019	<ul style="list-style-type: none"><li>• Granted response extension.</li></ul>
New Mill Capital, LLC	Unspecified	<ul style="list-style-type: none"><li>• No green card received.</li><li>• 104e letter was sent to the same address as the 104e letter to NMC Mead, which did provide a response. We confirmed that NMC Mead's response did not cover New Mill Capital, LLC.</li></ul>
Specialized Industrial Services, Inc.	11/12/2019	<ul style="list-style-type: none"><li>• Green card received on 10/22/2019</li></ul>

- 2) CDC Mead, LLC – Toeroek received the encrypted hard drive yesterday and downloaded the information. Thanks
- 3) Alcoa (DPC) – We downloaded the Alcoa response from the EPA GoAnywhere site. Please note that you should be getting a CD of Exhibits. You have another encrypted hard drive available in case you want to mail it to us.
- 4) Kaiser Aluminum Fabricated Products, LLC – we downloaded the response from the EPA GoAnywhere site. All is good here.
- 5) Kaiser Aluminum Investments Company (KAIC) and Kaiser Aluminum and Chemical Corporation (KACC) – This remains tricky. See below
  - i. We downloaded the file you posted last week on 12/13, but it appears to be a duplicate of the prior response, but for one sentence found on p. 3 that states that “KAIC formerly owned KACC as a wholly owned subsidiary.” Both documents are dated 12/4, but the letter you sent on 12/13 had a “Received Dec 11 2019” stamp on it.
  - ii. As noted before, the response was provided on behalf of KAIC, but states that the 104(e) identifies the Respondent in the 104e letter as “Kaiser Aluminum and Chemical Corporation and DCO Management LLC.”
  - iii. As a reminder, EPA sent two 104e requests with both requests addressed to KAIC; however, one of the 104e letters identified the respondent as KACC while the other identified KAIC.
  - iv. **Issue remains if this response is intended to be for both KAIC and KACC.** KAIC is providing answers to questions during KACC's period of operation so I think it is. However, EPA may wish to confirm this treatment with KAIC. At this point, we will assume it is and state it in our response summary.
  - v. Finally, in your email on 12/13, you said KAIC submitted “several thousand of what appear to be monitoring reports,” and you will evaluate whether you want to send them to us. I suspect that these supporting documents are what you so painstakingly transferred to us previously with the first response. If so, no need

to send to us again. **Can you see if you still see the same file extensions of XLS, WQ1, and XLT**, the latter two of which are inaccessible to us? We are still evaluating the information in these attachments and will keep you informed in case EPA wants to follow up with Kaiser about the inaccessible ones.

Please note that I will clear out the EPA GoAnywhere site as we downloaded what you posted last week.

Finally, can you remind me when you will be gone over the holiday break? I will be out of the office from 12/24 through 12/29. I will be available by email though and I believe Svetlana is available through most of that period.

Thanks

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**From:** Stanfield, Brooks <[Stanfield.Brooks@epa.gov](mailto:Stanfield.Brooks@epa.gov)>  
**Sent:** Wednesday, December 11, 2019 4:46 PM  
**To:** Lisa Contreras-Hendler <[lcontreras-hendler@toeroek.com](mailto:lcontreras-hendler@toeroek.com)>  
**Cc:** Svetlana Furman <[sfurman@toeroek.com](mailto:sfurman@toeroek.com)>  
**Subject:** Re: Kaiser - 104e mailing update

Hi Lisa-

Kris and I are planning to meet on Friday morning to see where we are with all the responses and needed follow up steps. Unfortunately I won't be able to resolve many of your questions until then.

-Brooks

Sent from my iPhone

On Dec 10, 2019, at 7:11 PM, Lisa Contreras-Hendler <[lcontreras-hendler@toeroek.com](mailto:lcontreras-hendler@toeroek.com)> wrote:

Hi Brooks,

I want to follow up with you about the 104e mailing event. First, regarding the outstanding responses, our records show the following parties have yet to respond:

1. Specialized Industrial Services, Inc.
2. New Mill Capital, LLC –This 104e letter was sent to the same address as the 104e letter to NMC Mead, which did provide a response. We confirmed that this response did not cover New Mill Capital, LLC.
3. IRS Environmental of Washington, Inc.
4. ALCOA (Arconic) – requested a one week extension
5. Kaiser Aluminum Fabricated Products, LLC (see below).

Regarding the first 3 parties, I have no indication that these parties responded to EPA, including any evidence of a request for extension.

Kaiser entities: two topics

- 1) EPA sent 104e letters to the following three Kaiser entities:
  - i. Kaiser Aluminum Investments Company (KAIC)
  - ii. Kaiser Aluminum Fabricated Products, LLC (KAFF) (Note: we did not get a copy of this 104e request)
  - iii. Kaiser Aluminum and Chemical Corporation and DCO Management LLC (KACC)

Jack Hockema was identified as the point of contact for all three entities. According to the EPA tracking table, the three responses were due on 12/4/2019. EPA received one response from Kaiser on that day.

As discussed, we looked at the response more closely to see if it covered more than one entity, but it does not clearly state that. The response was provided on behalf of KAIC, but it states that the 104(e) identifies the Respondent as "Kaiser Aluminum and Chemical Corporation and DCO Management LLC". You may recall that the 104e letter for KACC was addressed to KAIC, but later identifies KACC as the Respondent in the Information Request itself. Based on Kaiser's responses to questions provided, it is possible that the response covers KAIC and KACC. Although it mentions KAFF in the response with regard to the transfer of property interest and restructuring transaction during the reorganization of KACC, detailed information on KAFF's relationship to the Site was not provided. If EPA is in contact with the Kaiser entities, clarification on whether this response is intended to cover all three entities would be useful.

- 2) Inaccessible files in the Kaiser response. We previously discussed that a large number of files Kaiser provided could not be opened up due to the old format in which they were saved. I understand that Kaiser is sending a flash drive with this data, but it is likely the files are in the same format. It appears that the large collection of information submitted, specifically 2,988 document and 20,550 pages per Kaiser's email transmittal, are in response to Question 2, Site Activities and Interest, of the Information Request. Of the files I opened last week, I saw emission reports and DMRs. We will continue to evaluate the accessible records to see if we have information to address the liability and viability of the party. Perhaps the inaccessibility of the other records may not be issue.

In close, we are in the process of evaluating the response more thoroughly and developing a Response Summary. If something changes in our analysis, I will contact you.

As a reminder, I will be out of the office the remainder of the week. If you have questions, please reach out to Svetlana. I will also be monitoring my emails.

Thanks

Lisa

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